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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,675	01/26/2000	David L. Multer	FUSN1-01001US0	8895
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VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105			EXAMINER ALI, MOHAMMAD	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Sf

Office Action Summary	Application No.	Applicant(s)	
	09/491,675	MULTER, DAVID L. 	
	Examiner	Art Unit	
	Mohammad Ali	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-53,55-61,63-70 and 72-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-48,54,62 and 71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-53,55-61,63-70 and 72-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendments filed on October 06, 2004.

Claims 1-48 have been withdrawn and claims 54, 62, and 71 have been cancelled.

Claims 49-53, 55-61, 63-70 and 72-75 are pending in this Office Action.

Response to Arguments

2. After further search and a thorough examination of the present application, claims 49-53, 55-61, 63-70 and 72-75 remain rejected.

Applicants' arguments with respect to claims 49-53, 55-61, 63-70 and 72-75 have been considered, but they are not deemed to be persuasive.

First, Applicant's argue that Alley does not teach "a network for coupling the first file system and the second file system to allow communication between first file system and the second file system,....".

In response to applicant's arguments the Examiner respectfully submits that Alley teaches the particular limitation as a remote/local ("network computer coupled") docking system 72 in accordance with the block diagram form with the data transfer routes shown in arrows. The system 72 includes a remote system 74 (such as the aforementioned pen-based computer 10) and a local system 76 (such as a Macintosh computer system). The remote system 74 includes a docker interface 78, which is a relatively compact piece of code running on system 74 which allows the remote system to communicate with a larger docker

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application 80 running on the local system 76. The docker interface 78 is conveniently stored within the "drawer" of the system 10 described previously, and is activated by opening the drawer with the drawer button 65 and "clicking" on its icon with stylus 38. The communication between docker interface 78 and docker application 80 is preferably bidirectional, as indicated by arrow 82. The docker application communicates bi-directionally with a synchronization or "sync" file 84 as indicated by arrow 86. The docker application also communicates with an archive file 88 so that data may be sent from the synchronization file 84 to the archive file 88 as indicated by a unidirectional arrow 90 (see col. 7, lines 64 to col. 8, lines 18, Fig. 3, Alley).

Second, Applicant's argue that Alley does not teach "a differencing synchronizer,..... and transmitting the difference information to a remote,....".

In response to applicant's arguments the Examiner respectfully submits that Alley teaches the particular limitation as identifying each record stored in the memory of a first computer system (network computer) that is intended to be synchronized. The records are identified with a unique identification indicia and an indicia that indicates the last time that the record was altered. To begin synchronization, communication between the first computer system and the second computer system is initiated, and the last time that the records of the first computer system were synchronized with the second computer system is identified. Using the time of the last synchronization information, each of the selected records that was deleted on the first computer system since the last synchronization is identified and for each such deleted record on the first

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computer system, the corresponding record from the second computer system is deleted. Each of the selected records that was added to the first computer system since the last synchronization are identified and copied to the second computer system to create a corresponding record in the second computer system. Each of the selected records in the first computer system that has both a corresponding record in the second computer system and which was modified on the first computer system since the last synchronization is identified and synchronized (see col. 2, lines 5-27, Alley).

Third, Applicant's argue that Alley does not teach "comparing data from the first file to a copy of a previous state of data from the first file,....".

In response to applicant's arguments the Examiner respectfully submits that Alley teaches the particular limitation as a synchronization list is created that identifies: 1) each of the selected records that was deleted on the first computer system since the last synchronization but still exists on the second computer system; 2) each of the selected records that was deleted on the second computer system since the last synchronization but still exists on the first computer system; 3) each of the selected records that was added to the first computer system; and 4) each of the selected records that was added to the second computer system. The synchronization list is then modified in accordance with a predetermined protocol and the modified list is used to synchronize the first and second computer systems. Records that have been deleted on one of the computer systems are deleted from the other and records

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that have been added to one of the computer systems are generally added to the other (col. 2, lines 55-67 et seq., Alley)

Fourth, Applicant's argue that "Examiner has burden to show 102 rejections".

In response to applicant's arguments the Examiner respectfully submits that Alley teaches all the limitations as stated above and in the details office action.

Hence, Applicants' arguments do not distinguish over the claimed invention over the prior art of record.

In light of the foregoing arguments, the 102 rejections are hereby sustained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before

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November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 49-53, 55-61, 63-70 and 72-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Alley et al ('Alley'), US Patent 5,710,922.

As to claim 49, Alley discloses a data synchronization system for a first system having a plurality of data sources each with a data source format, and a second system having a plurality of data sources each with a data source format (see col. 2, lines 5-27, Fig. 3). Alley teaches 'a first data synchronizer on the first system transmitting at least one set of difference information to an output' (col. 2, lines 5-27 et seq). Alley teaches 'a second data synchronizer on the second system capable of receiving said at least one set of difference information' (col. 2, lines 55-67, Fig. 2 et seq) Finally, Alley teaches 'a network for coupling (see col. 7, lines 64 to col. 8, lines 18, Fig. 3, Alley) the first file system,.....' as (col. 2, lines 55-67, Fig. 3 et seq).

As to claim 50, Alley teaches 'difference information comprises change transactions from the data source to the data destination' (col. 3, lines 4-17).

As to claim 51, Alley teaches 'a data source interface' (col. 7, lines 64 to col. 8, lines 15, Fig. 3). Further, Alley teaches 'a copy of a previous state of each said data source' (col. 2, lines 56-67). Alley teaches 'a source data constructor applying difference information to said copy' as (col. 2, lines 56-67 et seq).

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Finally, Alley teaches 'a difference information generator' as (col. 2, lines 56-67 et seq)

As to claim 52, Alley teaches 'difference information is transmitted from said first synchronizer to said second synchronizer in a universal format' as (col. 2, lines 56-67 et seq).

As to claim 53, Alley teaches 'data synchronizer includes a plurality of difference source interfaces, each corresponding to a data source format' as (col. 2, lines 56-67 et seq).

As to claim 55, Alley teaches 'network is the Internet' (Fig. 3 et seq).

As to claim 56, Alley teaches 'first system is a server and said second system is a device capable of communicating with said server' as (see col. 2, lines 5-24 et seq).

As to claim 57, Alley teaches 'first and second systems are coupled to a storage server, and said difference information is transmitted to said storage server by said first synchronizer and retrieved from said storage server by said second synchronizer' as (see col. 2, lines 5-24 et seq).

As to claim 58, Alley teaches 'systems are coupled to said storage server via the Internet' as (see col. 2, lines 5-24 et seq).

As to claim 59, Alley teaches 'a management server communicating with said first and second data synchronizers' as (see col. 2, lines 5-24 et seq)

As to claim 60, Alley teaches 'management server indicates a location on the storage server where difference information for said synchronizers are stored' as (see col. 2, lines 5-24, Fig. 3 et seq).

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As to claim 66, Alley discloses a method for synchronizing at least a first file and a second file resident on a first and a second systems, respectively (see col. 2, lines 5-24 et seq). Alley teaches 'determining difference data resulting from changes to a first file on the first system' (see col. 2, lines 5-24 et seq). Further, Alley teaches 'transmitting the difference information to a second system' as (col. 3, lines 4-18 et seq). Alley teaches 'applying the difference information to generate change data for the second file' as (col. 2, lines 55-67 et seq). Finally, Alley teaches, 'updating the second file on the second system with the difference data' as (col. 2, lines 55-67 et seq).

As to claim 67, Alley teaches 'comparing data from the first file to a copy of a previous state of data from the first file' as (col. 2, lines 55-67 et seq).

As to claim 72, Alley teaches 'the network is the Internet' as (Fig. 3 et seq).

As to claim 73, Alley teaches 'step of transmitting comprises coupling the first system and the second system to a server and transmitting said information from the first system to the server, and from the server to second system' as (col. 3, lines 5-25 et seq)

As to claim 74, Alley teaches 'step of coupling includes coupling the first and second system to the server via a network' as (col. 2, lines 5-24 et seq).

As to claim 75, Alley teaches 'the network is the Internet' (Fig. 3 et seq).

As to claim 61, Alley disclose a data synchronization system (see col. 2, lines 5-24 et seq). Alley teaches 'a server' as synchronize a new user dataset, such as one in a server computer that stores user information (see col. 2, lines 5-

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24 et seq). Alley teaches 'a network to which the server is operatively coupled' as (col. 2, lines 55-67, Fig. 3 et seq). Further, Alley teaches 'a first system having a plurality of data file types' as (see col. 2, lines 5-24 et seq). Alley teaches 'a differencing synchronizer on the first system extracting a first set of differencing data from the data files on the first system when the data files on the system are changed, outputting the differencing data to the server, and retrieving differencing data from the server and applying it to selected data files on the first system' as (see col. 2, lines 5-24, Abstract et seq). Alley teaches 'at least one second system having a second plurality of data file types on the second system' as (see col. 2, lines 5-24 et seq). Finally, Alley teaches 'a differencing synchronizer on the second system the differencing data from the data files on the second system when the data files on the system are changed, outputting the differencing data to the server via the network, and retrieving the first set of differencing data from the server via the network and applying it to selected data files on the second system' as (col. 3, lines 4-25, col. 2, lines 4-24 et seq).

As to claim 63, Alley teaches 'systems are coupled via the Internet' (see Fig. 3 et seq).

As to claim 64, Alley teaches 'a server coupled to each of said first and second systems to receive, store, and output said first set and said second set of differencing data' as (see col. 2, lines 5-24 et seq).

As to claim 65, Alley teaches 'first system is a server and said second system is a device capable of communicating with said server' as (col. 2, lines 4-25, Fig. 3 et seq)

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As to claim 68, Alley teaches 'comparing step comprises data from said first file, converting said data to a universal file format, providing 'said copy of said data in said universal format, and comparing said data and said copy to provide difference data in said universal format' as (col. 2, lines 55-67).

As to claim 69, Alley teaches 'constructing new file data for said second file in said universal data format' as (col. 2, lines 4-25, Fig. 3).

As to claim 70, Alley teaches 'updating comprises translating said new file data into a format of said second file' as (col. 2, lines 55-67 et seq).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of Time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday to Thursday from 7:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107 or TC 2100 customer service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Mohammad Ali

Primary Patent Examiner

MA

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November 03, 2004